



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 02222-99  
6 April 2000

SSGT [REDACTED]  
[REDACTED]  
[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 26 March 1999, a copy of which is attached, and your undated letter with 19 enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB.

The Board noted that Marine Corps Order P1610.7D, paragraph 4004.2 states item 13b ("additional duties") is marked other than "not observed" when additional duty "required the Marine to devote prolonged periods of time." As the contested fitness report marked you "not observed" in item 13b, any Section C comment on an additional duty would indicate you had such a duty, but it did not require you to devote prolonged periods of time. If you are correct that the contested report should say you were on production two rather than three out of four months, the Board found this would not be a material error warranting corrective action. Finally, they found your having received the Navy and Marine Corps Commendation Medal for 6 May to 31 March 1996 did not invalidate the fitness report for the four-month period in question.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

2222-99

IN REPLY REFER TO:  
1610  
MMER/PERB  
MAR 26 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF  
SERGEANT [REDACTED] USMC

Ref: (a) SSgt [REDACTED] DD Form 149 of 30 Dec 98  
(b) MCO P1610.7D

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 25 March 1999 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 960101 to 960515 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner believes the report represents an injustice in that he was given additional responsibilities, but was only afforded half of the recruiting assets previously available. To support his appeal, the petitioner furnishes copies of Recruiting Quality Assurance Reports and advocacy letters from Master Gunnery Sergeant [REDACTED] Master Sergeant [REDACTED] and Gunnery Sergeants [REDACTED] and [REDACTED].

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. The Board does not agree with the petitioner's inference that the "above average" markings in Section B of the report are unfair... Likewise, and notwithstanding the documentation furnished with reference (a), the Board is not convinced or otherwise persuaded that the overall evaluation is either adverse or reflects anything other than factually correct information.

b. That others, including the petitioner, may believe his performance rated higher markings and more laudatory comments is viewed as their opinion versus that of the officer officially charged with evaluating and documenting performance. To this end, the Board discerns absolutely no error or injustice.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Staff Sergeant [REDACTED] official military record.

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5. The case is forwarded for final action.

[REDACTED]  
[REDACTED]  
Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps